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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/412,510 10/05/99 ITOH

K 0756-2045

IM62/0330

EXAMINER

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PADGETT, M

ART UNIT	PAPER NUMBER
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1762

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DATE MAILED: 03/30/00

**BEST AVAILABLE COPY****Please find below and/or attached an Office communication concerning this application or proceeding.****Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.	09/412,510	Applicant:	Itch et al
Examiner	M. L. Paegert	Group Art Unit	1762

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE One MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- Responsive to communication(s) filed on \_\_\_\_\_.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

Claim(s) 1-17 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) 1-17 are subject to restriction or election requirement.

## Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

Art Unit: 1762

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-15, drawn to a method for plasma treating with a planar plasma, possibly to deposit DLC coatings, classified in class 427, subclass 577.
  - II. Claims 16-17, drawn to an apparatus for sequentially coating a substrate, optionally plasma pretreatment means, classified in class 118, subclass 718+ or 723 E+.

2. The inventions are distinct, each from the other because:

Inventions group I and group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used with any kind of vacuum requiring coating technique, such as photo, or electron beam vaporization processes, etc, and the process requires use of a plasma with a

specific form. *Because these inventions are distinct for reasons given above and have acquired a separate status in the art as shown by their divergent subject matter, restriction for examination purposes as indicated in proper.*

3. A telephone call was made to the firm of Sixbey, Friedman, Leedon and Ferguson, P.C. to Jeffery Costellia on March 16, 2000 to request an oral election to the above restriction requirement, but did not result in an election being made.

Requested mailing as per clients instructions.

Note information disclosures can not properly refer to references cited in another case which they are not a continuation (or parent) of.

Art Unit: 1762

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CAR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CAR 1.48(b) and by the fee required under 37 CAR 1.17(I).

5. Any inquiry concerning this communication should be directed to M.L. Padgett at telephone number (703) 308-2336 and FAX # (703) 305-5408 (official) and 305-6078 (unofficial).



M.L. Padgett/om  
March 20, 2000

**MARIANNE PADGETT  
PRIMARY EXAMINER  
GROUP 1100**